IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 728 / 2002

Petitioner : Anil Adhlakha S/o P.Radheshyam, Aged about 40 years, R/o Katora Talab, Raipur – (C.G.)

Versus

Respondents :

1. Raipur Development Authority through its Chief Executive Officer, G.E.Road, Raipur – (C.G.)

2. Municipal Corporation Raipur through its Commissioner, Malviya Road, Raipur – (C.G.)

P. R. No. 731/02
Presented by Shri ... Verma
dated ... 5-4-02

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Amendment incorporated as per C.O. dtd. 10.4.02. 11.4.02

Res. No. 3 State of Chhattisgarh,
through : The Secretary,
Urban Administration and Development,
D.K.S. Bhawan, Raipur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE

XI-B-22.2

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15/4/2002

Shri P. Diwakar for the petitioner.

Shri Manindra Shrivastava for respondents no.1 and 2.

Dr. N.K. Shukla, Addl. Advocate General, with Miss Singhai, Dy. Govt. Advocate, for respondent no.3.

Heard.

Shri Shrivastava submits that respondent No. 1 is no longer in existence and the assets and liabilities of respondent No. 1 have been transferred to respondent No. 2 by notification issued by the State Government.

Shri Diwakar, learned counsel for the petitioner produced the notice and pointed out that the notice for demand of justice was served on the respondent no.1 on 17/1/2001.

Copy of the notice be filed by the counsel so that it may remain on record.

Counsel for the petitioner submits that respondent No. 1 had issued letters, one such letter is dated 3-11-2001

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P No

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

(Annexure A-3), whereby the petitioner was informed that the land in question comes within Devendra Nagar Yojana and the respondent No. 1 is interested to solve the dispute through amicable settlement, for which certain formalities are required. The petitioner submits that requisite documents like annexure A-4 etc. have been submitted but no action has yet been taken.

Learned counsel for the petitioner submits that since respondent no.1 is now merged in Municipal Corporation and the assets and liability of respondent no.1 have been taken over by the Corporation pursuant to the notification issued by the State, the Corporation may create third party interest jeopardizing the rights of the petitioner.

Learned counsel for the petitioner further submits that the petitioner had purchased the land through the sale-deed.

Counsel for the respondent on the other hand submits that the validity and effect of the sale-deed is to be considered and they are collecting the records.

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No.

मामला क्रमांक .....

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Having considered the facts and circumstances of the case and the material available on record, it is directed that the petitioner shall make a detailed representation to the State Government through Secretary within 15 days from today along with all the documents and copy of this petition clearly specifying the open area still lying, which shall be decided by the State or such other authority as directed by the State Government as early as possible preferably within two months from the date of receipt of the representation. The petitioner shall be heard and the State may also hear such other person including the department.

Counsel for the petitioner submits that in the meantime third party interest may not be created on the open area.

It is directed that no third party interest shall be created on the open area in question till the representation is decided by the State/competent authority. If any adverse order is passed, the ~~petitioner~~ Parties may challenge the same afresh.

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आदेश पत्रक

मामला क्रमांक W.P. No. 730/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
1	With the aforesaid directions, this petition is disposed of. Certified photocopy as per rules. Sd/- Fakhruddin Judge	

Handed